

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

SEP 30 2002

Mr. Delbert Bunch, Deputy Program Manager for Chemical Demilitarization  
Department of the Army  
Program Manager for Chemical Demilitarization  
Aberdeen Proving Ground, Maryland 21010-4005

Dear Mr. Bunch:

Your letter dated August 15, 2002 requests the National Permit issued to the Program Manager for Chemical Demilitarization (PMCD) under the Toxic Substances Control Act (TSCA) on June 6, 2002, be amended to reflect changes in the system contractor at both the Pine Bluff Chemical Disposal Facility (PBCDF), Arkansas and the Umatilla Chemical Disposal Facility (UMCDF), Oregon. In April 2000, Morrison Knudsen Corporation (MKC) purchased the system contractor of record, Raytheon Demilitarization Company (RDC). Subsequently, in September, 2000, MKC changed its name to Washington Group International (WGI) and RDC was renamed the Washington Demilitarization Company (WDC).

Condition 17 of the National Permit nullifies this Permit under failure of permittee to provide documentation related to the sale of ownership or operations responsibility within the specified time frame. However, because this permit became effective 26 months after the transfer of operational responsibility was completed, PMCD is not legally bound by Condition 17 regarding the April 2000 transfer of ownership of RDC to WGI. Therefore, the only action necessary is to amend the National Permit reflecting the change in operational responsibility from RDC to WDC.

Enclosed are copies of revised pages from the Permit. Please replace appropriate pages of the document with the enclosure. Please contact Hiroshi Dodohara of my staff at (202) 566-0507 if you have any questions regarding this approval.

Sincerely,

David J. Kling, Acting Deputy Director,  
Office of Pollution Prevention and Toxics

Enclosure

HDodohara:hd/OPPT-NPCD-FOB/9-13-02/7404T/566-0507/Rm 4353QAQWfiles\Chemical Demil\Nationside Permit\Amend-1.wpd"  
FOB Chron:Read File/DS File/Subject File/Author File  
Army, DFS, chemical agent, Raytheon, Washington Demilitarization Co., transfer operations

CONCURRENCES

SYMBOL	7404T	7404T	7401					
SURNAME	Dodohara	Byrnes	SEP 30 2002					
DATE	9/26/02	9/27/02						

cc: Jim Sales  
EPA Region VI

Cathy Massimino  
EPA Region X

EPA Regional PCB Coordinators  
Regions I - X

Wm. Gerald Hardy  
Alabama DEM

Daniel Clanton  
Arkansas DEQ

Wayne Thomas  
Oregon DEQ

Marty Gray  
Utah DHEQ

**Attached are revised pages to be replaced in the Toxic Substance Control Act (TSCA) National Permit for operating the Deactivation Furnace System addressed to Mr. James L. Bacon, Program Manager for Chemical Demilitarization and dated June 6, 2002.**

**Attachment 1. Page 2 of the transmittal letter.**

**Attachment 2. Page 1 of the Approval.**

**Attachment 3. Page 3 of the Approval**

**Attachment 4. Page 20 of the Approval**

**Please replace these pages appropriately.**

This Approval to Dispose of PCBs is based on the results from the TOCDF Trial Burn II completed in November 1998, in which the TSCA incinerator requirement for 99.9999% destruction and removal efficiency (six 9s DRE) was achieved. This approval identifies the Army, represented by the Program Manager for Chemical Demilitarization (PMCD) as the owner of the TOCDF at the Deseret Chemical Depot, Utah; the Anniston Chemical Agent Disposal Facility, Alabama; Pine Bluff Chemical Agent Disposal Facility, Arkansas; and Umatilla Chemical Agent Disposal Facility, Oregon. EG&G is the operator of the DFS at the TOCDF; Washington Demilitarization Company at UMCDF and PBCDF; and Westinghouse Government Environmental Services Company LLC at ANCDF.

Based on trial burns conducted at the TOCDF, Deseret Chemical Depot, Utah and the Johnston Atoll Chemical Agent Disposal System (JACADS), Johnston Atoll, Pacific Island, EPA concludes that as part of the RCRA Trial Burns, sampling for PCBs is necessary at each DFS facility to be constructed and operated. Both facilities (JACADS and TOCDF) experienced difficulties demonstrating that they consistently achieved the PCB incinerator destruction and removal efficiency (DRE) performance standards. Therefore, prior to construction, each DFS facility must include as part of the RCRA Trial Burn: 1) stack sampling for PCBs; 2) sampling of kiln/HDC (heated discharge conveyor) residue; 3) cyclone residue, and 4) scrubber brine for PCB analysis. The results of the RCRA Trial Burns must demonstrate that the DFS units meet the PCB incinerator performance standards.

EPA explored possible causes for the inconsistent DRE results at TOCDF, and discovered that gaskets used in the flue gas duct work contained trace quantities of PCBs. EPA determined that the contaminant PCBs contributed to the inconsistent DRE results. The findings of the EPA study prompted TOCDF to investigate the contamination problem further. The Army submitted its findings in a report entitled: "Evaluation of Contamination Sources During Sampling for Polychlorinated Biphenyls (PCBs) Summary Report," to the Program Manager for Chemical Demilitarization, EG&G Defense Material under the direction of Tooele Chemical Agent Disposal Facility, dated August 23, 1999. Conclusions of both studies are similar and are summarized in Appendix IV.

To preclude the emission of the contaminant PCBs, PMCD shall begin a campaign to detect PCB contaminants in ancillary process equipment including, but not limited to, expansion joints, gaskets, and rubber sealants (caulking compounds, etc.) used in the cyclone separator and equipment downstream of the secondary combustor, including the combustor exit connectors. Items containing PCBs shall be eliminated from the process equipment at TOCDF during routine maintenance, but prior to construction or operation at the other chemical agent disposal facilities.

Operating conditions for the TOCDF DFS have been developed (Condition 2.a(1) and 2.a(2)). These conditions shall apply to the other DFS facilities until and unless NPCD determines that Trial Burn data or other data submitted to NPCD and the appropriate EPA Regional Office indicate that operating conditions should be altered.

As a condition of this nationwide PCB Disposal Approval, each DFS facility listed above (TOCDF excepted) must submit the following documents to the NPCD: the RCRA permit application (i.e. Part A, 40 CFR 270.13 and Part B, 40 CFR 270.14(b) Para. (1), (2), (3), (8), (9))

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF THE DEPARTMENT OF THE	)	APPROVAL TO DISPOSE
	)	
ARMY, PROGRAM MANAGER FOR CHEMICAL	)	OF POLYCHLORINATED
	)	
DEMILITARIZATION, ABERDEEN PROVING GROUND,	)	BIPHENYLS (PCBs)
	)	
MARYLAND, AND TO THE SYSTEM CONTRACTORS	)	
	)	
DFS, CHEMICAL DEMILITARIZATION FACILITIES	)	

AUTHORITY

This Approval is issued pursuant to Section 6(e)(1) of the Toxic Substances Control Act of 1976 (TSCA), Public Law No. 94-469, and the Federal PCB Regulations, 40 CFR 761.70. Background and Findings related to this approval are attached to this Approval as Appendix I.

The Department of the Army is the owner of a process known as the Deactivation Furnace System (DFS), located in the Tooele Chemical Agent Disposal Facility (TOCDF), Deseret Chemical Depot, Tooele, Utah, and the DFSs to be operational at the Anniston Chemical Agent Disposal Facility (ANCDF), Alabama; Pine Bluff Chemical Agent Disposal Facility (PBCDF), Arkansas; and Umatilla Chemical Agent Disposal Facility (UMCDF), Oregon. The DFS thermally destroys PCBs in non-liquid form contained in shipping and firing tubes for chemical agent rockets. The Program Manager for Chemical Demilitarization (PMCD), Aberdeen Proving Ground, Maryland, represents the Department of the Army. EG&G Defense Material, Inc., (EG&G), Tooele, Utah is the sole operator of the TOCDF DFS; Washington Demilitarization Company is the operator at the UMCDF and PBCDF; and Westinghouse Government Environmental Services Company LLC, the sole operator at ANCDF. The Environmental Protection Agency (EPA) has carefully scrutinized PMCD's and EG&G's operations. In addition, EPA has audited and observed demonstrations of the DFS process capabilities. Pursuant to 40 CFR 761.70, EPA finds that the TOCDF DFS process (when operated in accordance with the conditions of this approval) does not pose an unreasonable risk of injury to health or the environment.

EFFECTIVE DATES

This Approval to operate shall become effective April 1, 2002, and shall expire March 31, 2007.

"Lifetime exposure risk" means the risk to an average adult individual who is exposed to a stated average concentration of a toxic material daily, over the course of a 70-year lifetime.

"Lost time injury" or "lost workday injury" means an injury occurring during the operation of a DFS facility which results in an employee not performing his/her normal assignments during the workday and/or any successive workday(s) following the day of the injury.

"Minimal" with regard to an amount of PCB wastes means less than ten percent of total wastes treated.

"Non-soil" solids and materials include non-pumpable sludge and sediment.

"Operations" means the process of treating PCBs, including setup and takedown of the PMCD/System Contractors unit, as well as actual treatment.

"OPPT" means the Office of Pollution Prevention and Toxics, United States Environmental Protection Agency (7404T); (202) 566-0500; Facsimile (202) 566-0473.

"PCB" means polychlorinated biphenyls as defined in 40 CFR 761.3.

"PCB release" and "PCB spill" have the same meaning as "spill" as defined in EPA's PCB Spill Cleanup Policy in 40 CFR 761.123.

"Process Failure" means the inability of the DFS unit to treat the feedstock for reasons other than contaminants (such as chlorinated solvents).

"Site" means the geographically contiguous property unit (such as a single manufacturing plant) at which the DFS disposal operations are conducted.

"Site location" means a street address or a directional description which would allow a site to be found by an EPA inspector.

"System contractor" means the on-site field operator of the Tooele Chemical Agent Disposal Facility Deactivation Furnace System (EG&G) and the prime contractors who will operate the Deactivation Furnace System at the Anniston Chemical Agent Disposal, Alabama, (Westinghouse Government Environmental Services Company LLC); Pine Bluff Chemical Agent Disposal Facility, Arkansas (Washington Demilitarization Company); and Umatilla Chemical Agent Disposal Facility (Washington Demilitarization Company), Oregon.

"2 ppm PCBs" treatment criterion is defined as follows: (a) When Aroclor patterns are detected in the chromatogram of treated material, the Aroclor will be quantified using Method 8082 or another method approved by EPA, then the criterion for PCBs in the treated sample is "less than 2 ppm total PCBs (as calculated by comparison of total areas or height to an external Aroclor standard having a similar pattern to the sample);" or (b) When Aroclor patterns do not exist, the sample will be quantified using the method using the Dry Color Manufacturing Association (DCMA) standard, or another method approved by EPA, then the criterion is "less than 2 ppm

permit. The annual report shall include information required in Conditions 16c, 16d, 16f and 16g. Data required in Condition 5 and 16e shall be stored at a centralized location at each facility and made available for EPA review.

The documents must be compiled within 60 days following completion of the treatment; must be kept at one centralized location; and must be available for inspection by authorized representatives of the EPA upon request. PMCD/ System Contractor must also maintain the records required by 40 CFR 761.180(f). If PMCD/ System Contractor terminates operation of the PMCD DFS, these records or their copies must be submitted to the Director of the Office of Pollution Prevention and Toxics, USEPA.

17. Ownership or Operational Transfer:

- a. Transfer of ownership: The conditions in this paragraph (a) become effective in the event that the Army transfers ownership of the DFS facility to a non-Federal entity(s). PMCD must notify EPA at least 30 days before transferring ownership of the DFS unit(s). PMCD must also submit to EPA, at least 30 days before such transfer, a notarized affidavit signed by the transferee which states that the transferee will abide by PMCD/System Contractor's EPA approval. It is PMCD's responsibility to include in the notification, the name, address, phone number, and other pertinent information about the transferee. PMCD must also submit a report of permitted disposal activities, including quantities and concentrations of PCB materials treated; proof that generated wastes have been appropriately disposed of; certification that any PMCD facilities, where disposal equipment and/or supplies have been kept/maintained, will be appropriately cleaned/removed before the transfer; and a description of exactly what part (e.g., equipment, buildings, etc. and/or operating staff) of the DFS facility will be transferred. In order for the PMCD/ System Contractor EPA approval to be transferred and prior to conducting any PCB disposal operations, the transferee must provide financial assurance for closure and liability relevant to the type of activities in PMCD/ System Contractor's approval.
- b. Transfer of Operations Responsibility/New Systems Contractor: In the event that a new Systems Contractor is procured and/or operations responsibility of the DFS facility is transferred to the new entity, the conditions become effective. PMCD/ System Contractor must notify EPA at least 30 days before transferring operations responsibility of the DFS unit(s). PMCD/ System Contractor must also submit to EPA, at least 30 days before such transfer, a notarized affidavit signed by the transferee which states that the transferee will abide by PMCD/ System Contractor's EPA approval. It is PMCD/ System Contractor's responsibility to include in the notification, the name, the address, phone number, and other pertinent information about the transferee. PMCD/ System Contractor must also submit a report of the operating staff of PMCD/ System Contractor who will be transferred.

- c. Should PMCD/ System Contractor or the transferee fail to provide EPA with the required written documentation related to the transfer of ownership or operations responsibility as specified in paragraphs (a) and (b) above, to provide this documentation within the specified time frame, this permit shall be null and void.
- d. Within 30 days of receiving the documentation specified in paragraphs (a) and/or (b) above, EPA may issue an amended approval substituting the transferee's name for PMCD/ System Contractor's name, or may require the transferee to apply for a new PCB disposal approval. In the latter case, the transferee must submit a demonstration test plan for EPA review and upon approval of the test plan, perform a demonstration at a site with materials of PCB concentration proposed by the transferee and approved by EPA.

18. Additional DFS Incinerator Units: PMCD/ System Contractor must file a written pre-operation report with the Director for National Program Chemicals Division of the Office of Pollution Prevention and Toxics within 30 days from the date of construction of each additional DFS incinerator to be operated in the United States. This report should contain the following information:

- a. date of construction of the unit;





**DEPARTMENT OF THE ARMY**  
**PROGRAM MANAGER FOR CHEMICAL DEMILITARIZATION**  
**ABERDEEN PROVING GROUND, MARYLAND 21010-4005**  
August 15, 2002

Environmental and Monitoring Office

Mr. David J. Kling  
Acting Deputy Director  
Office of Pollution Prevention and Toxics  
Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Mail Code 7401M  
Washington, DC 20460

Dear Mr. Kling:

Request the Toxic Substances Control Act (TSCA) National Permit issued to the Program Manager for Chemical Demilitarization (PMCD) on June 6, 2002, be amended to change the name of the systems contractor Raytheon Demilitarization Company (RDC) to Washington Demilitarization Company (WDC) for both the Pine Bluff Chemical Agent Disposal Facility (PBCDF) and Umatilla Chemical Agent Disposal Facility (UMCDF). In April 2000, Morrison Knudsen Corporation (MKC) purchased RDC. In September 2000 MKC changed its name to Washington Group International (WGI) and changed RDC to WDC. Notification prior to any transfers taking place, required by condition 17 of the Permit, could not be complied with, since the ownership transfer and name change were completed prior to the issuance of the Permit. The Fibers and Organics Branch of your office was verbally notified of this issue shortly after permit issuance. The resulting mutually agreed solution was a written notification from the sites to PMCD followed by this notification to the Office of Pollution Prevention and Toxics. Enclosed are copies of the written requests from the two sites. Your attention in this matter is greatly appreciated.

Please contact Mr. Drew A. Lyle of my staff at (410) 436-4199 if you have any questions regarding this request.

Sincerely,

Delbert F. Bunch  
Deputy Program Manager for  
Chemical Demilitarization

Enclosure

CF:

Mr. Hiroshi Dodohara, US Environmental Protection Agency, Office of Fibers and Organics Branch, Washington, DC 20460  
Site Project Manager, Field Office for Umatilla Chemical Agent Disposal Facility, Ordnance Road, Hermiston, Oregon 97838-9544  
Site Project Manager, Field Office for Pine Bluff Chemical Agent Disposal Facility, Building 57-210, Webster Road, Pine Bluff, Arkansas 71602-9500  
Mr. Mark Evans, Vice President, Operations, Washington Demilitarization Company, 1311 Continental Drive, Suite G, Abingdon, Maryland 21009

16 JUL 2002

MEMORANDUM FOR Mr. William Pringle, (PMCD)

SUBJECT: Operational Transfer under Toxic Substances Control Act (TSCA) Permit

1. Reference memorandum, Program Manager for Chemical Demilitarization (PMCD), 6 June 2002, subject: Approval to Dispose of Polychlorinated Biphenyls (PCBs).
2. On 27 June 2002, Umatilla Chemical Agent Disposal Facility (UMCDF) received the TSCA permit. The Permit acknowledges Raytheon Demilitarization Company (RDC) as UMCDF's operator. RDC no longer exists. Condition 17 on page 20 requires notification to Environmental Protection Agency (EPA) of operational transfer in the event of a change in the system contractor. RDC and certain other subsidiaries were purchased by Morrison Knudsen Corporation (MKC) on 14 April 2000. In September 2000, MKC changed its name to Washington Group International (WGI) and RDC became Washington Demilitarization Company. WGI subsequently filed for bankruptcy and went through a court-supervised reorganization in which all WGI stock was effectively voided. New WGI stock (same name different certificate numbers) was reissued to WGI creditors. Thus we have gone through:
  - a. An operational transfer by purchase of the SC;
  - b. A name change by the SC and parent company; and
  - c. A change in ownership of the SC by reorganization/reissuance of stock.

Notifications of these transactions were made to the Oregon Department of Environmental Quality (ODEQ) pursuant to the requirements of the Umatilla Chemical Agent Disposal Facility Resource Conservation Recovery Act Permit.

3. The last sentence of condition 17 states, *"Should PMCD/System Contractor and the transferee fail to provide EPA with the required written documentation related to the sale or ownership of operations responsibility transfer and/ or to provide this documentation within the specified time frame, this permit shall be null and void."* Since all this occurred prior to the 6 June 2002 TSCA Permit issuance date, it is impossible to comply with condition 17 as written.

SFAE-CD-CO-U

SUBJECT: Operational Transfer under Toxic Substances Control Act (TSCA) Permit

4. Request that the Environmental Monitoring Office petition EPA to formally recognize Washington Demilitarization Company, a subsidiary of Washington Group International as the initial operator of the UMCDF Deactivation Furnace System and waive any requirements of condition 17 since no practical transfer of operational responsibility has occurred. Your prompt attention to this matter is greatly appreciated.

5. The point of contact for this office is Mr. Wendell Wrzesinski, 541-564-7053.

  
for DON E. BARCLAY  
UMCDF Site Project Manager

bcc:  
 Mr. L. Pusey (SFAE-CD-CO-O)  
 Mr. J. Stang (SFAE-CD-ME)  
 Mr. W. Wrzesinski (SFAE-CD-CO-U)  
 Mr. M. Strong (SAIC)  
 Ms. S. Brasher (SAIC)  
 File (PMCD02-0174)

PMCD CHOP BLOCK	
SAIC POC: <i>[Signature]</i>	DATE: 7/15/02
Gov't (PMCD/OSC) POC:	DATE:
OSC/ACO (If Applicable)	DATE:
PAO (If Applicable)	DATE:
Government Secretary: <i>[Signature]</i>	DATE:
Deputy PM for Comp: <i>[Signature]</i>	DATE: 7/15/02
Deputy PM for Eng.: <i>[Signature]</i>	DATE: 7-16-02
SPM: <i>[Signature]</i>	DATE:
PMCD02-0174	tcr

15 July 2002

MEMORANDUM FOR Mr. William J.B. Pringle, Chief, Environmental and Monitoring Office  
(SFAE-CD-ME)

SUBJECT: Operational Transfer under TSCA Permit

1. Reference: Approval to Dispose of Polychlorinated Biphenyls (PCBs), 6 June 2002
2. On 27 June 2002, PBCDF received the TSCA permit. The Permit acknowledges Raytheon Demilitarization Company (RDC) as PBCDF's operator. RDC no longer exists. Condition 17 on page 20 requires notification to EPA of operational transfer in the event of a change in the system contractor. RDC and certain other subsidiaries were purchased by Morrison Knudsen Corporation (MKC) on 14 April 2000. In September 2000, MKC changed its name to Washington Group International (WGI) and RDC became Washington Demilitarization Company. WGI subsequently filed for bankruptcy and went through a court-supervised reorganization in which all WGI stock was effectively voided. New WGI stock (same name different certificate numbers) was reissued to WGI creditors. Thus we have gone through:
  - a. an operational transfer by purchase of the SC;
  - b. a name change by the SC and parent company; and
  - c. a change in ownership of the SC by reorganization/reissuance of stock

Notifications of these transactions were made to the Arkansas Department of Environmental Quality (ADEQ) pursuant to the requirements of the PBCDF RCRA Permit.

3. The last sentence off condition 17 states, *"Should PMCD/ System Contractor and the transferee fail to provide EPA with the required written documentation related to the sale or ownership of r operations responsibility transfer and/ or to provide this documentation within the specified time frame, this permit shall be null and void."* Since all this occurred prior to the 6 June 2002 TSCA Permit issuance date, it is impossible to comply with condition 17 as written.
4. Request that EMO petition EPA to formally recognize Washington Demilitarization Company, a subsidiary of Washington Group International as the initial operator of the PBCDF DFS and waive any requirements of condition 17 since no practical transfer of operational responsibility has occurred. Your prompt attention to this matter is greatly appreciated.

15 July 2002

MEMORANDUM FOR Mr. William J.B. Pringle, Chief, Environmental and Monitoring Office  
(SFAE-CD-ME)

5. Point of Contact for this issue is Mr. Wade Hollinger, 870-540-2031.



Clara A. Moraga  
Assistant Site Project Manager  
Pine Bluff Chemical Agent  
Disposal Facility

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Greg Thomasson (WDC-PBCDF)